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EXAMINER

NAJEE-ULLAH, TARIQ S

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/771,412	Applicant(s) AOKI ET AL.	
	Examiner TARIQ S. NAJEE-ULLAH	Art Unit 2453	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 26-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 26-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office action has been issued in response to Applicant's Amendment filed July 21, 2009. By action of this amendment claims 1, 2, 10, 12-13, 15-17, 26 and 29-33 are amended. Claims 1-17 and 26-33 are pending in this application.

Response to Arguments

2. The rejection of claims 1-3, 10-13, 15, 17, 26 and 29-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement have been considered but are not persuasive. Examiner has searched all paragraphs cited by the Applicant in the remarks dated July 21, 2009. Upon examination of cited paragraphs, Examiner has not determined the existence of any language in the original disclosure of "the portable operation member is directly operated by a user" or "the portable operation member is mechanically operated by a user." Furthermore, Examiner recognizes the user interface in cited paragraph [0055] while noting that this interface does not explicitly disclose "mechanically operated" or "directly operated" in the manner argued by the Applicant. Examiner maintains rejection.

3. The rejection of claims 1, 17 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention have been considered but are not persuasive. Examiner notes the absence of any language in the original disclosure of "the portable operation member is directly operated by a user" or "the portable operation member is mechanically operated by a user." To overcome this rejection,

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Examiner encourages applicant to explicitly cite reference to “direct” and “mechanical” operation of the portable operation member supported in the Applicant’s original disclosure. Examiner maintains rejection.

4. Applicant's arguments with respect to the rejection of claims 1-17 and 26-33 under 35 U.S.C. 103(a) have been considered but are not persuasive. Applicant argues:

*“The Office Action alleges that Shigeru discloses the “operation detecting unit” based on the disclosure of Shigeru at the Abstract and paragraphs [0059] and [0060]. The Office Action alleges that Shigeru's IC card is equivalent to a portable operation member and that Shigeru's IC card reader is equivalent to an operation detecting unit that detects an operation by a user of the portable operation member, as variously recited in claims 1, 17 and 29. The Office Action supports this allegation by alleging that Shigeru discloses the use of a touch panel keyboard to obtain further user input when the IC card is inserted into the IC card reader by a user. **However, the touch panel keyboard is not part of the IC card disclosed in Shigeru. Thus, Applicants maintain that a user operating a touch panel keyboard that is not part of Shigeru's IC card cannot reasonably constitute operating the IC card.**”* (Applicant's remarks, italics and emphasis added; filed July 21, 2009; pg. 12).

Examiner respectfully disagrees. As previously presented in the non-final Office action dated February 13, 2009, Shigeru clearly teaches an IC card or memory card, i.e. removably insertable portable operation member, is a small storage medium with memory that contains the URL address of a website that is inserted into an IC card reader, i.e. detecting unit, mounted on the image forming device, i.e. communication device connected to a touch panel keyboard, i.e. detecting unit that is directly operated by a user, provides a network access function, i.e. the function of a switch (Shigeru, Abstract). The fact that an IC card is inserted into the IC card reader by a user is inherent. The use of a touch panel keyboard to obtain further user input also reads on direct operation by a user (Shigeru, Detailed Description, par. 59-60). The Applicant's

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main argument is that Tanimoto-Shigeru fails to teach "...*the touch panel keyboard is not part of the IC card disclosed in Shigeru. Thus, Applicants maintain that a user operating a touch panel keyboard that is not part of Shigeru's IC card cannot reasonably constitute operating the IC card...*" (Applicant's remarks, italics added; filed July 21, 2009; pg. 12). Examiner respectfully disagrees. Firstly, Examiner has not determined the existence of any clear, explicit, specific or limiting definition of "direct" or "mechanical" operation of the portable operation member has been provided for this limitation in the claim language or Applicant's original disclosure. The only interfaces for operation presented in the original disclosure is a user interface (Applicant's published disclosure, par. 55) and a switch interface (Applicant's published disclosure, par. 59). Therefore, Examiner gives these limitations the broadest reasonable interpretation in the art interpreting the plain meaning of these two interfaces to be functionally equivalent to Shigeru's touch panel keyboard operating directly in conjunction with the IC card being inserted into the IC card reader. Applicant further argues:

*"During the June 29, 2009 personal interview, Examiner Najee-Ullah maintained the allegation that a user operating a touch panel keyboard that indirectly accesses the information on the IC card through the IC card reader constitutes operating a portable operation member. Applicants maintain that this interpretation is unreasonable as operating a touch panel keyboard that is not part of the IC card cannot reasonably constitute operation the IC card. However, without conceding the above assertion, Applicants assert **that the alleged operation of the IC card through the touch panel keyboard does not reasonably constitute a mechanical operation of the IC card.** Thus, Shigeru fails to disclose "that the portable operation member is mechanically operated by a user," as recited in claims 1, 17 and 29." (Applicant's remarks, italics and emphasis added; filed July 21, 2009; pg. 12-13)*

The Applicant's main argument is that Tanimoto-Shigeru fails to teach mechanical operation of the portable operation member because "...*the alleged operation of the IC*

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card through the touch panel keyboard does not reasonably constitute a mechanical operation of the IC card ..." (Applicant's remarks, italics added; filed July 21, 2009; pg. 12-13). Examiner respectfully disagrees. As stated above, Examiner has not determined the existence of any clear, explicit, specific or limiting definition of "direct" or "mechanical" operation of the portable operation member has been provided for this limitation in the claim language or Applicant's original disclosure. Therefore, Examiner gives these limitations the broadest reasonable interpretation in the art interpreting the plain meaning of these two interfaces to be functionally equivalent to Shigeru's touch panel keyboard operating directly in conjunction with the IC card being inserted into the IC card reader. Examiner has already cited above how Tanimoto-Shigeru teaches these elements. Applicant further argues that Tanimoto-Shigeru fails to teach "the portable operation member is already inserted into the opening of the interface unit". Examiner respectfully disagrees. Shigeru clearly teaches "the portable operation member is already inserted into the opening of the interface unit" (Shigeru, detailed description, par. 47-48 "...in step S3, if touched in part for the "IC card 603"...it will progress to step S7...At step S7, the information currently recorded on the IC card is read," i.e. the functions and steps are performed only after IC card is **already** inserted in the card reader. This step is inherent as no "information currently recorded on the IC card" can be read without the IC card being inserted into an IC card reader). Examiner maintains original rejection.

5. In conclusion, in an effort to better place the claims in condition for allowance, Examiner encourages further modification of claim language to include language that is

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more precisely descriptive and provides a more clear representation of what the Applicant presents as the invention in the specification in a manner which overcomes the prior art as presented. For example, Examiner suggests adding a specific definition from the specification defining, specifying, and/or limiting the claim references to a “portable operation member,” “first access data” and any other specific structures, methods, definitions or other details into the independent claims in a manner that overcomes the prior arts of record. Specifically, Examiner encourages further definition or limitation of the system and method of “directly operated” and “mechanically operated” as disclosed in the original disclosure that distinguishes the claimed method from the method cited in the prior arts of record. Examiner also reminds Applicant that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Specification

6. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Applicant has failed to provide antecedent basis for the claim terminology “mechanically.”

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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8. Claims 1-3, 10-13, 15, 17, 26 and 29-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In response to this office action, Applicant can cancel the new matter or specifically point out where the newly claimed subject matter is supported in the original disclosure.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1, 17 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 17 and 29 recite “that the portable operation member is directly operated by a user” and “that the portable operation member is mechanically operated by a user” The terms “directly operated by a user” are vague and indefinite. With no additional limitations from the claim language, Examiner interprets this phrase in the broadest reasonable sense for the purposes of examination.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-17 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication 2002/0156923 to Tanimoto in view of Japanese Patent Application JP A 2002-091856 to Shigeru (Shigeru hereinafter) as provided in Applicant IDS submitted July 27, 2007.

Regarding claims 1, 17 and 29, Tanimoto teaches **a communication system** (Figure 1 and associated text; Tanimoto discloses a facsimile system, i.e. communication system.), **comprising: a communication device including: an accessing unit capable of accessing web pages** (Page 3, paragraph [0052]; Tanimoto discloses the facsimile machine, i.e. communication device, has an HTTP server means, i.e. accessing system, which can access data written in HTML (Hyper Text Markup Language) used for home pages, i.e. capable of accessing web pages.);

Tanimoto does not explicitly teach **an interface unit, the interface unit having an opening; and a data acquiring unit that acquires data via the interface unit; a portable operation member removably insertable into the opening of the interface unit, the operation member including a memory that stores first access data corresponding to a first predetermined web page; and an operation detecting unit configured to detect, in a state that the portable operation member is already inserted into the opening of the interface unit, that the portable operation member is mechanically operated by a user; wherein the data acquiring unit automatically acquires the first access data from the memory in response to a detection, detected by the operation member, that the portable operation member is directly operated by a user and the accessing unit automatically accesses the first**

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predetermined web page based on the first access data acquired by the acquiring unit.

Shigeru teaches **an interface unit, the interface unit having an opening** (Shigeru; Abstract; IC card reader mounted on the image forming device, i.e. communication device connected to a touch panel keyboard, i.e. interface unit, provides a network access function); **and a data acquiring unit that acquires data via the interface unit;** (Shigeru; Abstract; IC card reader mounted on the image forming device, i.e. data acquiring unit); **a portable operation member removably insertable into the opening of the interface unit, the operation member including a memory** (Shigeru; Abstract; IC card or memory card is a small storage medium with memory, i.e. removably insertable portable operation member, that is read by an IC card reader, i.e. interface unit containing an opening for the IC card, mounted on the image forming device) **that stores first access data corresponding to a first predetermined web page** (Shigeru; Abstract; IC card or memory card is a small storage medium with memory, i.e. storage, that contains the URL address of a website, i.e. a first predetermined web page); **and an operation detecting unit configured to detect, in a state that the portable operation member is already inserted into the opening of the interface unit, that the portable operation member is mechanically operated by a user** (Shigeru; Abstract; IC card reader, i.e. operation detecting unit, mounted on the image forming device connected to a touch panel keyboard provides a network access function; Shigeru clearly teaches an IC card or memory card, i.e. removably insertable portable operation member, is a small storage medium with memory that

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contains the URL address of a website that is inserted into an IC card reader, i.e. detecting unit, mounted on the image forming device, i.e. communication device connected to a touch panel keyboard, i.e. detecting unit that is directly operated by a user, provides a network access function, i.e. the function of a switch (Shigeru, Abstract). The fact that an IC card is inserted into the IC card reader by a user is inherent. The use of a touch panel keyboard to obtain further user input also reads on direct operation by a user (Shigeru, Detailed Description, par. 59-60.); **wherein the data acquiring unit automatically acquires the first access data from the memory in response to a detection, detected by the operation member, that the portable operation member is directly operated by a user and the accessing unit automatically accesses the first predetermined web page based on the first access data acquired by the acquiring unit** (Shigeru; Abstract; IC card reader mounted on the image forming device connected to a touch panel keyboard provides a network access function. This allows the desired data to be read and obtained from anywhere with simple operation by utilizing the IC card). Shigeru also teaches this method being implemented using computer program code (Shigeru; Detailed Description: embodiment of the invention section, pars. 61-63)

Tanimoto and Shigeru are analogous art because they are from the same field of endeavor of network communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use Shigeru's IC card or small storage medium with preloaded website information with Tanimoto's server device and network system. The suggestion/motivation would have been to provide an image forming

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device and an image forming method by which image data obtained through a network can be easily printed (Shigeru; Abstract, problem to be solved).

Furthermore, to provide the server device and communication system of Tanimoto with an IC card or small storage medium with preloaded website information would have been obvious to one of ordinary skill in the art, in view of the teachings of Shigeru, since all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded nothing more than predictable results to one of ordinary skill in the art at the time of the invention.

Regarding claim 26, Tanimoto teaches **a communication system** (Figure 1 and associated text; Tanimoto discloses a facsimile system, i.e. communication system.), **comprising: instructions for causing the accessing system to access the predetermined web page based on the access data transmitted from the memory of the operation member** (Page 3, paragraph [0052]; Tanimoto discloses the facsimile machine, i.e. communication device, has an HTTP server means, i.e. accessing system, which can access data written in HTML (Hyper Text Markup Language) used for home pages, i.e. capable of accessing web pages.); Tanimoto does not explicitly teach **instructions for detecting the an operation of a detecting unit, the operation caused by insertion of a portable operation member into an opening of an interface unit of the communication system and a mechanical operation of the portable operation member after insertion into the opening of the interface;**

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instructions for transmitting access data contained in a memory of the operation member to an accessing system of the communication system when the operation of the detecting unit is detected.

Shigeru teaches **instructions for detecting the an operation of a detecting unit, the operation caused by insertion of a portable operation member into an opening of an interface unit of the communication system and a mechanical operation of the portable operation member after insertion into the opening of the interface** (Shigeru; Abstract; IC card reader mounted on the image forming device, i.e. communication device connected, i.e. detecting unit, to a touch panel keyboard, i.e. interface unit, provides a network access function; the IC card or memory card, i.e. portable operation member, is a small storage medium with memory that is read by an IC card reader, i.e. interface unit, mounted on the image forming device, i.e. communication system); **instructions for transmitting access data contained in a memory of the operation member to an accessing system of the communication system when the operation of the detecting unit is detected** (Shigeru; Abstract; IC card reader, i.e. detecting unit, mounted on the image forming device connected to a touch panel keyboard provides a network access function. This allows the desired data to be read and obtained from anywhere with simple operation by utilizing the IC card, i.e. operating member). Shigeru also teaches this method being implemented using computer program code (Shigeru; Detailed Description: embodiment of the invention section, pars. 61-63).

Tanimoto and Shigeru are analogous art because they are from the same field of endeavor of network communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use Shigeru's IC card or small storage medium with preloaded website information with Tanimoto's server device and network system. The suggestion/motivation would have been to provide an image forming device and an image forming method by which image data obtained through a network can be easily printed (Shigeru; Abstract, problem to be solved). Furthermore, to provide the server device and communication system of Tanimoto with an IC card or small storage medium with preloaded website information would have been obvious to one of ordinary skill in the art, in view of the teachings of Shigeru, since all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded nothing more than predictable results to one of ordinary skill in the art at the time of the invention.

Regarding claims 2 and 12, Tanimoto-Shigeru discloses the invention substantially as described in claim 1 above including, **a transmitting system that transmits the first access data contained in the memory to the accessing system when the operation detecting unit detects that the portable operation unit is mechanically operated by the user; and wherein the transmitting system is included in the portable operation member** (Shigeru; Abstract; IC card or memory card, i.e. portable operation member, is a small storage medium with memory that is read by an IC card reader mounted on the image forming device); **the transmitting**

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system determines whether a predetermined condition is satisfied when the detecting unit is operated (Shigeru; Abstract; IC card reader mounted on the image forming device connected to a touch panel keyboard provides a network access function. This allows the desired data to be read and obtained from anywhere with simple operation by utilizing the IC card. Printing information is stored in a predetermined format); **and the transmitting system transmits the first access data the memory to the accessing system when the predetermined condition is satisfied** (Shigeru; Abstract; IC card reader mounted on the image forming device connected to a touch panel keyboard provides a network access function. This allows the desired data to be read and obtained from anywhere with simple operation by utilizing the IC card). Tanimoto and Shigeru are analogous art because they are from the same field of endeavor of network communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use Shigeru's IC card or small storage medium with preloaded website information with Tanimoto's server device and network system. The suggestion/motivation would have been to provide an image forming device and an image forming method by which image data obtained through a network can be easily printed (Shigeru; Abstract, problem to be solved).

Regarding claims 3 and 15, Tanimoto-Shigeru discloses the invention substantially as described in claims 1 and 13 including, **wherein: the portable operation member includes:** (Shigeru; Abstract; IC card or memory card is a small storage medium with memory that is read by an IC card reader mounted on the image forming device); Shigeru does not teach **and a counting system that counts the**

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number of times by which the first access data is transmitted from the memory to the accessing system, and wherein the transmitting system determines that the predetermined condition is satisfied if the number of times counted by the counting system is less than a predetermined number the transmitting system determining the predetermined condition is not satisfied if the number of times counted by the counting system has reached the predetermined number.

Tanimoto teaches and a counting system that counts the number of times by which the first access data is transmitted from the memory to the accessing system, and wherein the transmitting system determines that the predetermined condition is satisfied if the number of times counted by the counting system is less than a predetermined number the transmitting system determining the predetermined condition is not satisfied if the number of times counted by the counting system has reached the predetermined number (Fig. 15A and 15B;

Tanimoto discloses views showing an example of the display of the browser at the time of thread displaying of the saved image data. The display indicates the number of transmitted pages, the date and time of the transmission, the job order, and the destinations of the transmission. The display also indicated what operation was performed: retransmission, partial transmission, and records how many destinations were indicated. This indicates there is inherently a counting system that keeps track of transmissions in the transmitting system; see pg. 7, par. [0104]. Pg. 7, Par. [0108-0110]; The facsimile server judges which actions to perform based on a predetermined condition that presents different cases or courses of action.). Tanimoto and Shigeru are

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analogous art because they are from the same field of endeavor of network communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use Shigeru's IC card or small storage medium with preloaded website information with Tanimoto's server device and network system. The suggestion/motivation would have been to provide an image forming device and an image forming method by which image data obtained through a network can be easily printed (Shigeru; Abstract, problem to be solved).

Regarding claims 11, 13, and 15, Tanimoto-Shigeru discloses the invention substantially as described in claims 1 and 12 including, **wherein: the communication device includes: a device side detection system that detects if the detecting unit is operated** (Shigeru; Abstract; IC card or memory card is a small storage medium with memory that is read by an IC card reader mounted on the image forming device); Shigeru does not explicitly teach **and a notification system that notifies that the first access data is not received because the predetermined condition is not satisfied when the first access data is not transmitted from the memory of the operation member for a predetermined period.**

Tanimoto teaches **a notification system that notifies that the first access data is not received because the predetermined condition is not satisfied when the first access data is not transmitted from the memory of the operation member for a predetermined period** (Fig. 15A and 15B; Tanimoto discloses views showing an example of the display of the browser at the time of thread displaying of the saved image data. The display indicates the number of transmitted pages, the date and time

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of the transmission, the job order, and the destinations of the transmission. The display also indicated what operation was performed: retransmission, partial transmission, and records how many destinations were indicated. This indicates there is inherently a notification system that keeps track of transmissions in the transmitting system; see pg. 7, par. [0104]. Pg. 7, Par. [0108-0110]; The facsimile server judges which actions to perform based on a predetermined condition that presents different cases or courses of action.). Tanimoto and Shigeru are analogous art because they are from the same field of endeavor of network communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use Shigeru's IC card or small storage medium with preloaded website information with Tanimoto's server device and network system. The suggestion/motivation would have been to provide an image forming device and an image forming method by which image data obtained through a network can be easily printed (Shigeru; Abstract, problem to be solved).

Regarding claims 4, 7 and 14, Tanimoto-Shigeru discloses the invention substantially as described in claims 3 and 13 above including, **wherein: the communication device includes: a count inquiry system that transmits a count inquiry signal inquiring the number counted by the counting system to the operation member** (Fig. 15A and 15B; Tanimoto discloses views showing an example of the display of the browser at the time of thread displaying of the saved image data. The display indicates the number of transmitted pages, the date and time of the transmission, the job order, and the destinations of the transmission. The display also indicated what operation was performed: retransmission, partial transmission, and

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records how many destinations were indicated. This indicates there is inherently a counting system that keeps track of transmissions in the transmitting system; see pg. 7, par. [0104]. Pg. 7, Par. [0108-0110]; The facsimile server judges which actions to perform based on a predetermined condition that presents different cases or courses of action.); **and a count notifying system that notifies the number counted by the counting system based on a count response signal which is transmitted by the operation member in response to the count inquiry signal transmitted thereto; and the operation member includes a count response system that outputs the count response signal to the communication device in response to the count inquiry signal transmitted from the communication device** (Fig. 15A and 15B; Tanimoto discloses views showing an example of the display of the browser at the time of thread displaying of the saved image data. The display indicates the number of transmitted pages, the date and time of the transmission, the job order, and the destinations of the transmission. The display also indicated what operation was performed: retransmission, partial transmission, and records how many destinations were indicated. This indicates there is inherently a counting system that keeps track of transmissions in the transmitting system; see pg. 7, par. [0104]. Pg. 7, Par. [0108-0110]; The facsimile server judges which actions to perform based on a predetermined condition that presents different cases or courses of action.).

Regarding claims 5 and 8, Tanimoto-Shigeru discloses the invention substantially as described in claims 4 and 7 above including, **wherein the count inquiry system transmits the count inquiry signal when the first access data is transmitted from**

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the memory of the operation member (Fig. 15A and 15B; Tanimoto discloses views showing an example of the display of the browser at the time of thread displaying of the saved image data. The display indicates the number of transmitted pages, the date and time of the transmission, the job order, and the destinations of the transmission. The display also indicated what operation was performed: retransmission, partial transmission, and records how many destinations were indicated. This indicates there is inherently a counting system that keeps track of transmissions in the transmitting system; see pg. 7, par. [0104]. Pg. 7, Par. [0108-0110]; The facsimile server judges which actions to perform based on a predetermined condition that presents different cases or courses of action.).

Regarding claims 6 and 9, Tanimoto-Shigeru discloses the invention substantially as described in claims 4 and 7 above including, **wherein the communication device includes an attachment detection system that detects the insertion of the operation member into the opening** (Shigeru; Abstract; IC card or memory card is a small storage medium with memory that is read by an IC card reader mounted on the image forming device), **the count inquiry system outputting the count inquiry signal when the attachment detection system detects the insertion of the operation member** (Shigeru; IC card read station controller, Detailed Description: embodiment of the invention section, pars. 22-30). Tanimoto and Shigeru are analogous art because they are from the same field of endeavor of network communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use Shigeru's IC card or small storage medium with preloaded

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website information with Tanimoto's server device and network system. The suggestion/motivation would have been to provide an image forming device and an image forming method by which image data obtained through a network can be easily printed (Shigeru; Abstract, problem to be solved).

Regarding claims 10 and 16, Tanimoto-Shigeru discloses the invention substantially as described in claims 2 and 12 above including, **wherein: the memory contains second access data indicating a second web page** (Shigeru; Detailed Description: embodiment of the invention section, par. 60; URL address list means more than one web page can be stored on the IC card, i.e. a second web page is accessible using the operation member); **and the transmitting system transmits the second access data stored in the memory to the accessing system if the predetermined condition is not satisfied when the operation detecting unit detects that the portable operation unit is mechanically operated** (Shigeru; Detailed Description: embodiment of the invention section, par. 60; URL address list means more than one web page can be stored on the IC card, i.e. a second web page is accessible using the operation member; IC card reader, i.e. detecting unit; Abstract). Tanimoto and Shigeru are analogous art because they are from the same field of endeavor of network communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use Shigeru's IC card or small storage medium with preloaded website information with Tanimoto's server device and network system. The suggestion/motivation would have been to provide an image forming device and an

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image forming method by which image data obtained through a network can be easily printed (Shigeru; Abstract, problem to be solved).

Regarding claim 27, Tanimoto-Shigeru discloses the invention substantially as described in claim 1 above including, **wherein the memory comprises a ROM, the ROM storing the first access data** (Shigeru; Detailed Description: embodiment of the invention section, pars. 23-24, 26, 29-30, 64). Tanimoto and Shigeru are analogous art because they are from the same field of endeavor of network communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use Shigeru's IC card or small storage medium with preloaded website information with Tanimoto's server device and network system. The suggestion/motivation would have been to provide an image forming device and an image forming method by which image data obtained through a network can be easily printed (Shigeru; Abstract, problem to be solved).

Regarding claim 28, Tanimoto-Shigeru discloses the invention substantially as described in claim 13 above including, **wherein the memory comprises a ROM and a RAM, the ROM storing the first access data and the RAM storing the transmission number** (Shigeru; Detailed Description: embodiment of the invention section, pars. 23-24, 26, 29-30, 64, 67). Tanimoto and Shigeru are analogous art because they are from the same field of endeavor of network communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use Shigeru's IC card or small storage medium with preloaded website information with Tanimoto's server device and network system. The suggestion/motivation would have been to provide an

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image forming device and an image forming method by which image data obtained through a network can be easily printed (Shigeru; Abstract, problem to be solved).

Regarding claims 30-33, Tanimoto-Shigeru discloses the invention substantially as described in claims 1, 17, 26 and 29 above including, **wherein the mechanical operation of the portable operation member includes a depression of the portable operation member by the user** (Shigeru; Abstract; IC Card and IC card reader mounted on the image forming device connected to a touch panel keyboard suggests a “key” being depressed that is associated with the IC Card, i.e. portable operation member, IC card reader, i.e. detecting unit, and a touch panel keyboard, i.e. depression of the portable operation member).

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to TARIQ S. NAJEE-ULLAH whose telephone number is (571)270-5013. The examiner can normally be reached on Monday through Thursday 8:00 - 6:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tariq S Najee-ullah/
Acting Examiner of Art Unit 2453
October 22, 2009

/Joseph Thomas/
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